

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 10-00419 SI

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION OF
MOTION TO SUPPRESS**

v.

NOE CUENCA-VEGA,

Defendant.

Defendant has filed a motion for reconsideration of this Court's March 28, 2012 Order Denying Defendant's Motion to Suppress and to Dismiss Indictment. Defendant objects that the declaration of Special Agent Rea is inadmissible hearsay, and that the Court should reconsider its ruling denying the motion to suppress because that order relied, in part, on Agent Rea's declaration. Defendant also asserts that if the Court does not strike the declaration, the Court should hold an evidentiary hearing so defendant can cross-examine Agent Rea. Finally, defendant argues that even if Agent Rea's declaration is admissible and considered by the Court, the government has not justified the warrantless arrest of defendant. The government has filed an opposition to defendant's motion for reconsideration.

The Court DENIES defendant's motion. The Court OVERRULES defendant's evidentiary objections to Agent Rea's declaration, and finds that there is no basis for an evidentiary hearing. In addition, for the reasons stated in the March 28, 2012 order, the Court concludes that the warrantless

1 civil arrest of defendant comported with 8 U.S.C. § 1357(a)(2).

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3 **IT IS SO ORDERED.**

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5 Dated: April 2, 2012



6 SUSAN ILLSTON
7 United States District Judge
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